

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
EASTERN DIVISION  
No: 4:13-CR-28-BR

UNITED STATES OF AMERICA,

v.

LARRY D. HILL, JR.,

Defendant.

ORDER

This matter is before the court on the Fourth Circuit Court of Appeals' vacation of the portion of this court's 5 July 2018 text order denying defendant's motion for judicial recommendation and remand for an explanation of the decision. (DE # 183.) In the subject motion, defendant requests that the court recommend to the Bureau of Prisons ("BOP") his placement in a halfway house or home confinement for the maximum 12-month period under the Second Chance Act ("SCA"), 18 U.S.C. § 3624(c). (DE # 162.) The court agrees with the majority position that the sentencing court has the authority to make a post-sentencing recommendation for a defendant's placement under the SCA. See United States v. Ferguson, No. 6:16-cr-00707-JMC-8, 2018 WL 5095149, at \*2-3 (D.S.C. Oct. 19, 2018) (collecting cases). While recognizing this authority, the court declines to make such a recommendation here. The last time defendant appeared before the undersigned was nearly three years ago when the court sentenced him for possessing contraband in prison. See United States v. Hill, No. 5:15-CR-265-BR (E.D.N.C. Aug. 29, 2016) (judgment). Defendant is not scheduled for release until nearly two years from now. Federal Bureau of Prisons Inmate Locator, <https://www.bop.gov/inmateloc/> (search BOP Register Number 24346-056) (last visited Apr. 25,

2019). The court believes the BOP is in the best position to assess all pertinent information bearing on any appropriate pre-release community placement for defendant and the length of such placement. For this reason, defendant's motion for judicial recommendation is DENIED.

This 30 April 2019.

A handwritten signature in green ink, appearing to read "W. Earl Britt", is positioned above a horizontal line.

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W. Earl Britt  
Senior U.S. District Judge